THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.17385 OF 2003

DATED 05th JULY, 2007

BETWEEN

Nulakani Venkata Rao

… Petitioner

AND

The Special Deputy Collector (Tribal Welfare), K.R.Puram, Buttayigudem Mandal, West Godavari District and another.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.17385 OF 2003

ORDER:

The petitioner is allegedly owner of agricultural land in R.S.Nos.20/2B (Acs.0.90); 20/3 (Acs.0.80) and 21 (Acs.0.24) situated at Jainavarigudem of Buttayigudem Mandal of West Godavari District. He filed the instant writ petition aggrieved by notice issued in Form-E under Rule 7(2) of A.P.Scheduled Areas Land Transfer Rules, 1969 (the Rules, for brevity) calling upon the petitioner to show cause within twenty days as to why he should not be ejected from the land admeasuring Acs.1.95 in R.S.No.21/1 on the ground that transfer of immovable property is made in contravention of Section 3(1) of A.P.Scheduled Areas Land Transfer Regulation, 1959 as amended by Regulation No.1 of 1970 (the Regulation, for brevity). He seeks invalidation of said notice.

Learned counsel for petitioner contends that in 1996, first respondent initiated action under Section 3(2) of the Regulation in S.R.No.81 of 1996 and after considering the objections, the action was dropped. Therefore, on the principle of *res judicata,* respondents could not have again issued another notice.

The writ petition is filed against a show cause notice which is issued in compliance with the provisions of the Regulation and the Rules. Therefore, the writ petition cannot be entertained. It is always open to the petitioner to raise all objections including the ground of *res judicata* before first respondent. Accordingly, the writ petition is disposed of directing first respondent to dispose of the matter within three months from the date of receipt of copy of this order. Till then, there shall be status quo regarding possession.

The writ petition, with the above directions and observations, is disposed of. No costs.

(V.V.S.RAO,J)

05.07.2007.
pln